

REMARKS

By the *Final Office Action* of 16 December 2005, Claims 1-53 are pending in this Application, and all stand rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination given to the Application. Upon entry of the present *Response* Claims 1-53 remain pending in the Application.

Applicant files this *Response* in an effort to move this case to allowance. No new matter is believed introduced by the present *Response*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

I. RCE & IDS Submissions

In response to the *Final Office Action*, Applicant encloses an RCE for continued examination of the present application. In accordance with 37 C.F.R. § 1.114, Applicant also submits the required RCE fee and this *Response* as an RCE submission.

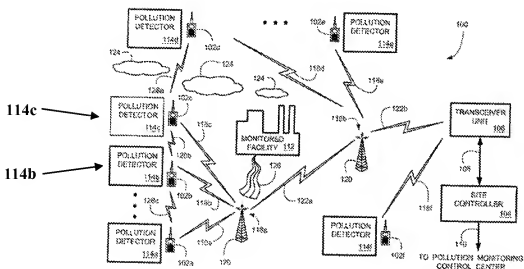
In reviewing the *Final Office Action*, it appears that the Examiner reviewed some of Applicant's information disclosure statements (IDS) submitted during December 2005. Indeed, it appears that the Examiner reviewed ten electronic information disclosure submissions filed on 5 December 2005. It also appears that the Examiner did not review IDS submissions submitted on 8 December 2005 and 16 December 2005. These additional IDS submissions included certain non-USPTO documents and therefore had to be paper-filed submissions in accordance with current USPTO IDS submission procedures.

Upon review of the PAIR image file wrapper for the present application, it appears that some references submitted in the 8 December 2005 and 16 December 2005 IDSs were not uploaded into the IFW system. The associated return receipt postcards for these two IDS submissions do not show any mark ups by USPTO personnel, so Applicant believes that these references were previously submitted to the USPTO. *See* MPEP § 503 (Return Postcard). To ensure that all submitted references are reviewed by the Examiner, Applicant simultaneously resubmits certain references that appear to have not been loaded into the IFW system.

In conclusion regarding Applicant's several IDS submissions, Applicant respectfully requests the Examiner to review all IDS submissions. No IDS fee is believed due since Applicant is filing the current submission with an RCE. Should the Examiner not be able to locate any reference cited in Applicant's IDS submissions, the undersigned respectfully requests the Examiner to contact the undersigned to discuss the IDS submissions.

II. The Pending Claims

In Applicant's previous response, Applicant amended Claims 1, 13, 24, 25, 36, 43, 50, and 53 to clarify Applicant's claimed invention. These claims reflect that Applicant's currently claimed invention can transmit pollution information through one or more transceivers coupled to a detector configured to detect pollution or originate pollution information messages. Such a feature enables a transceiver associated with a pollution detector to communicate with a controller through another transceiver also associated with a pollution detector. For example, as shown in FIG. 1 of Applicant's specification, Pollution Detectors **114b** and **114c** can communicate with each other through link **128b**. Applicant respectfully asserts that the newly cited references, either individually or collectively, do not teach or fairly suggest such a feature.



III. The 35 U.S.C. § 103(a) Rejection

The Examiner rejects Claims 1-53 under 35 U.S.C. § 103(a) as being unpatentable over *Salvo* (USPN 6,356,205) and *Reeser* (USPN 4,973,970). Given Examiner's comments regarding newly applied references and the previous rejections, Applicant believes that all previous rejections were overcome in Applicant's previous response. Applicant respectfully traverses the § 103 rejection and asserts that Claims 1-53 are allowable over *Salvo-Reeser* combination.

In the *Office Action*, the Examiner fails to provide a citation to *Salvo* that renders Applicant's previous claim amendments not patentable. For example, no citation from *Salvo* is given to reject "wherein at least one network transceiver is coupled to a second detector configured to detect pollution such that the pollution information message from the transceiver is

received and transmitted by the at least one network transceiver coupled to the second detector” as recited in Applicant’s Claim 1. A similar limitation appears in Claims 13, 24, 25, 36, 43, 50, and 53 (see claims for exact language). These claimed features are not found in the cited combination, and they are also advantageous features making Applicant’s currently claimed invention function and operate better than the cited combination.

Salvo discloses a monitoring, diagnostic, and reporting system and process. As shown below (*Salvo*’s FIG. 1), *Salvo* uses multiple stationary monitoring wells (15) to monitor groundwater. A communications unit (19) is coupled to each module (10), and transmits data corresponding to groundwater characteristics to the data collection center (20) with a transceiver (17). The data collection center (20) receives the transmitted data (25) with a transceiver (24).

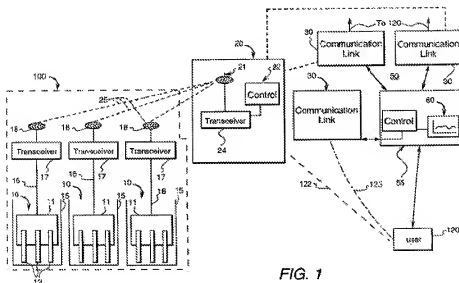


FIG. 1

Importantly, however, the communications units (19) **do not receive information from other communication units (19) coupled to pollution sensors or communicate with other communication units (19) coupled to pollution sensors**. Rather, communication units (19) only communication with the data collection center (20) with signals (25) as shown in the above figure. Indeed, *Salvo* teaches away from such a feature as discussed below.

In addition, the communication units (19) do not provide repeated data to the data collection center (20) that originates from another communication unit (19). Thus, *Salvo* does not teach or disclose at least one network transceiver coupled to a second detector configured to detect pollution such that the pollution information message from the transceiver is received and transmitted by the at least one network transceiver coupled to the second detector, or a series of

transceivers, wherein at least two transceivers in the series of transceivers are associated with a pollution detector, as claimed by Applicant. For this reason alone, Applicant's claimed invention is patentable over the cited combination.

Applicant respectfully submits that Applicant's claimed invention is also patentable for other reasons. For example, *Reeser* fails to teach what is alleged in the *Final Office Action* and does not cure the deficiencies of *Salvo*. More specifically, the Examiner asserts that *Reeser* teaches a transceiver having an identification code. Applicant respectfully disagrees that the cited portions of *Reeser* teach a transceiver having an identification code. Indeed, the words "identification code" do not even appear in the cited portions (Abstract, Col. 3, Lines 1-43) of *Reeser*. Further, *Reeser* specifically deals with base stations communicating with satellites but does not teach that base stations have identification codes as claimed by Applicant. Rather, the base stations only communicate location information which is not an identification code. (*Reeser*, Abstract, Col. 3, Lines 1-43). For this reason alone, Applicant's claimed invention is patentable over the cited combination.

Applicant also respectfully asserts that Applicant's claimed invention is patentable over the cited combination for additional reasons. Indeed, the cited references do not teach or suggest the subject matter of Claims 39, 40, and 42. For example, the cited combination does not teach or suggest the "step of determining a person to be contacted by associating information in a database regarding the person with the identification code of the transceiver" feature of Claim 39 or the related features of Claims 40 and 42. Thus Applicant respectfully asserts that Claims 39, 40, and 42 are also allowable over the cited combination.

There are still yet other reasons why Applicant's claimed invention is patentable over the cited combination, including that a *prima facie* case of obviousness has not been set forth. As MPEP § 2143 provides, a *prima facie* case of obviousness requires three findings. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations as a whole as required by 35 U.S.C. § 103. See MPEP § 2142 & § 2143.

Applicant respectfully submits that the cited combination teaches away from Applicant's claimed invention. Indeed, the references teach away from Applicant's claimed

invention, and thus can not substantiate the § 103 rejection. Neither *Salvo* or *Reeser* teach or suggest using multiple transceivers associated with pollution detectors in a communication path, or multiple transceivers associated with pollution detectors capable of communicating with each other. As *Salvo*, provides:

The data collection center 20 is typically located proximate a well 15 so the communication unit 19 transmits signals with sufficient strength so the data collection center 20 can receive them. For example, the data collection center 20 is located at the remediation site 100 within range of the communication unit 19. Alternatively, the data collection center 20 is located proximate a remediation site 100, such as, but not limited to, adjacent one or more remediation sites 100 so the data collection center 20 can receive data from each communication unit 19. In an alternative, the data collection center 20 is mobile and can be moved within range of the communication unit 19 to receive data. **The location of the data collection center 20 is typically anywhere within range of the communication unit 19.** (emphasis added) (Col. 3, Lines 48-62).

Applicant respectfully asserts that this teaching of *Salvo* teaches away from Applicant's currently claimed invention. In short, *Salvo* teaches that each communication unit must be within range of the data collection center 20. This teaches away because it requires the data collection center to be close to a communication unit to receive data. Such is not the case with Applicant's claimed invention. Rather, Applicant's claimed invention advantageously allows transceivers coupled to pollution detectors to share information so that the data collection center is not required to be close to all pollution detectors.

Further, the Examiner cites no suggestion, teaching, or motivation to combine the cited references to yield Applicant's claimed invention. Indeed, the references themselves are silent to such. Applicant respectfully asserts that the Examiner fails to even provide a reason for combining the references; merely asserting that it would have been obvious to combine *Salvo* into *Reeser* does not satisfy the Examiner's burden of providing a *prima facie* case of obviousness. Neither has the Examiner provided any reasonable expectation of success that Applicant's claimed invention would result from the cited combination.

Accordingly, Applicant respectfully submits that Claims 1, 13, 24, 25, 36, 43, 50, and 53 are patentable over the cited combination. Applicant also respectfully submits that the dependent claims are also allowable for the further limitations contained therein. Withdrawal of the § 103 rejection is respectfully requested.

V. Fees

Applicant believes no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response* is being filed within six months of the *Office Action*. Thus, Applicant submits herewith a petition for a three-month extension and the three-month extension fee via EFS-Web. Applicant also submits herewith an RCE form and the RCE fee via EFS-Web. No other fees are believed due. Authorization to charge Deposit Account No. 20-1507, however, is given herein should additional fees be due.

VI. Conclusion

By the present *Response*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any questions or reservations, the Examiner is invited to telephone the undersigned Attorney, Hunter Yancey, at 404.885.3696.

Respectfully submitted,

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